



Docket No.: 1075.1235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroshi OGIWARA, et al.

Serial No. 10/698,472

Group Art Unit: 3663

Confirmation No. 3203

Filed: November 3, 2003

Examiner: DIACOU, Ari M.

For: OPTICAL AMPLIFYING APPARATUS

COMMENT ON THE STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability mailed March 6, 2006, includes an Examiner's Statement of Reasons for Allowance (hereafter, the "Statement").

Please note that MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

It is respectfully submitted that the Statement does not accurately quote the specific language of the claims. It is respectfully submitted that such misquoting is not proper under 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14.

More specifically, regarding claim 21, the Statement refers to the fiber grating reflecting the second pump light at a specific wavelength provided to the fiber grating so that the reflected second pump light "counterpropagates" through the rare-earth-doped "fiber amplification

medium" with the signal light. However, claim 21 recites that the reflected second pump light "copropagates" through a rare-earth-doped "optical amplification medium". Therefore, it is clear that the term "counterpropagates" in the Statement should instead be "copropagates". Moreover, it is clear that the term "fiber amplification medium" in the Statement should instead be "optical amplification medium".

Accordingly, it is respectfully submitted that the claims speak for themselves and should not be interpreted based on the Statement's misquoting of the claims.

Moreover, regarding claim 1, the Statement refers to "laid" rare-earth-doped optical amplification medium. This is a clear typographical error in the Statement. Instead, it is clear that the Statement should have referred to "said" rare-earth-doped optical amplification medium.

Respectfully submitted,

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Date: May 17, 2006

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